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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,765	02/20/2002	Kazuhiro Ishida	017446-0323	3462

22428 7590 02/09/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,765

Applicant(s)

ISHIDA, KAZUHIRO

Examiner

John L. Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

NON-FINAL REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §112 Second paragraph

2. Claim 5 is indefinite because it is a mixed class claim; the preamble of claim 5 recites a method claim preamble; however the body of claim 5 recites “having system elements. . . .”

Claim 6 is indefinite because it depends from claim 5.

Claim 7 is indefinite because it is a mixed class claim; the preamble of claim 7 recites a method claim preamble; however the body of claim 7 recites “having system elements. . . .”

Claim 8 is indefinite because it depends from claim 7.

Claim 9 is indefinite because it is a mixed class claim; the preamble of claim 9 recites a program claim preamble; however the body of claim 9 recites “having a portable communication terminal. . . .” and other system elements.

Claim 10 is indefinite because it depends from claim 9.

Claim 11 is indefinite because it is a mixed class claim; the preamble of claim 9 recites a program claim preamble; however the body of claim 9 recites “having a portable communication terminal. . . .” and other system elements.

Claim 12 is indefinite because it depends from claim 11.

CLAIM REJECTIONS — 35 U.S.C. §101

3. Claim 5 is rejected pursuant to 35 U.S.C. §101 because it is directed to two different statutory classes of invention.

Claim 6 is rejected pursuant to 35 U.S.C. 101 because it depends from claim 5.

Claim 7 is rejected pursuant to 35 U.S.C. §101 because it is directed to two different statutory classes of invention.

Claim 8 is rejected pursuant to 35 U.S.C. 101 because it depends from claim 7.

Claim 9 is rejected pursuant to 35 U.S.C. §101 because it is directed to two different statutory classes of invention.

Claim 10 is rejected pursuant to 35 U.S.C. 101 because it depends from claim 9.

Claim 11 is rejected pursuant to 35 U.S.C. §101 because it is directed to two different statutory classes of invention.

Claim 12 is rejected pursuant to 35 U.S.C. 101 because it depends from claim 11.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen, US 6,236,330 (May 22, 2001) [US f/d: Oct. 12, 1999] (herein referred to as "Cohen").

As per independent claim 1, Cohen (FIG. 3; FIG. 4; the ABSTRACT; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 1-76; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-15) shows "An advertisement system comprising: a portable communication terminal capable of displaying an advertisement. . . ."

Cohen lacks explicit recitation of: "a standby screen. . . ."

Cohen (FIG. 3; FIG. 4; the ABSTRACT; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 1-76; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-15) shows the remaining elements of claim 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention that Cohen at least (FIG. 3; and FIG. 1) implicitly shows: "a standby screen. . . ." because modification and interpretation of the cited disclosure of Cohen would have provided means "*to provide a viewable message. . . .*" (See Cohen (col. 1, ll. 60-67)) based on the motivation to modify Cohen so as to "*generate a message selected for targeted public viewing. . . .*" (see Cohen (col. 2, ll. 1-2)).

As per dependent claim 2, Cohen shows the system of claim 1.

Cohen lacks explicit recitation of the “cancel registration” element of claim 2.

Official Notice is taken that both the concepts and the advantages of the “cancel registration” elements and limitations of claim 2 were notoriously well known and expected in the art at the time of the invention, and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify and interpret the disclosure of Cohen cited above as showing all of the elements and limitations of claim 2, because modification and interpretation of the cited disclosure of Cohen would have provided means “*to provide a viewable message. . . .*” (See Cohen (col. 1, ll. 60-67)) based on the motivation to modify Cohen so as to “*generate a message selected for targeted public viewing. . . .*” (see Cohen (col. 2, ll. 1-2)).

As per independent claim 3, Cohen (FIG. 3; FIG. 4; the ABSTRACT; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 1-76; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-15) shows “An advertisement system comprising: a portable communication terminal capable of displaying an advertisement . . . connected to the Internet . . . for registering [a] URL. . . .”

Cohen lacks explicit recitation of: “a standby screen. . . .”

Cohen (FIG. 3; FIG. 4; the ABSTRACT; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 1-76; col. 4, ll. 1-67; col. 5, ll. 1-67; and col. 6, ll. 1-15) shows the remaining elements of claim 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention that Cohen at least (FIG. 3; and FIG. 1) implicitly shows: “a standby screen. . . .” because modification and interpretation of the cited disclosure of Cohen would have provided means “*to provide a viewable message. . . .*” (See Cohen (col. 1, ll. 60-67)) based on the motivation to modify Cohen so as to “*generate a message selected for targeted public viewing. . . .*” (see Cohen (col. 2, ll. 1-2)).

As per dependent claim 4, Cohen shows the system of claim 3.

Cohen lacks explicit recitation of the “terminal sends cancel information” element of claim 4.

Official Notice is taken that both the concepts and the advantages of the “terminal sends cancel information” elements and limitations of claim 4 were notoriously well known and expected in the art at the time of the invention, and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify and interpret the disclosure of Cohen cited above as showing all of the elements and limitations of claim 4, because modification and interpretation of the cited disclosure of Cohen would have provided means “*to provide a viewable message. . . .*” (See Cohen (col. 1, ll. 60-67)) based on the motivation to modify Cohen so as to “*generate a message selected for targeted public viewing. . . .*” (see Cohen (col. 2, ll. 1-2)).

Claim 5 is rejected for substantially the same reasons as claim 1.

Claim 6 is rejected for substantially the same reasons as claim 2.

Claim 7 is rejected for substantially the same reasons as claim 3.

Claim 8 is rejected for substantially the same reasons as claim 4.

Claim 9 is rejected for substantially the same reasons as claim 1.

Claim 10 is rejected for substantially the same reasons as claim 2.

Claim 11 is rejected for substantially the same reasons as claim 3.

Claim 12 is rejected for substantially the same reasons as claim 4.

CONCLUSION

5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

Application Number: 10/077,765 (Ishida)
Art Unit: 3622

9

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED
PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL)
or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

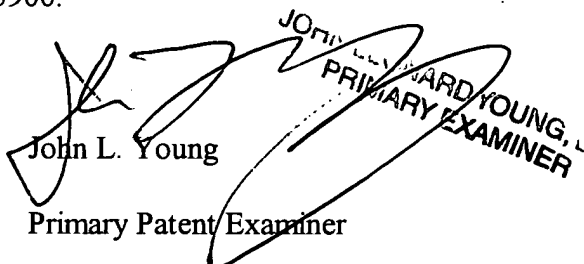
Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to John L. Young who may be reached via telephone at (703)
305-3801 or (571) 272-6725. The examiner can normally be reached Monday through
Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone number is (703)
305-3900.


John L. Young
Primary Patent Examiner

February 7, 2005